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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,758	07/15/2003	Christopher Vienneau	G&C 30566.335-US-01	7388

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EXAMINER	
AUGUSTINE, NICHOLAS	
ART UNIT	**PAPER NUMBER**
2179	

MAIL DATE	DELIVERY MODE
07/28/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/619,758	VIENNEAU ET AL.	
	Examiner	Art Unit	
	NICHOLAS AUGUSTINE	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 May 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

A. This action is in response to the following communications: Petition filed 05/05/2009.

B. The Petition filed 05/05/2009 is being treated as a request for reconsideration. The final office action dated 04/10/2009 is hereby withdrawn. An action on the merits follows.

C. Claims 1-32 remains pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Trinh et al. (US Pub 2002/0051005), hereinafter "Trinh".

As to independent claims 1, 14, 27 and 31 (e.g. apparatus, method, system, computer-

readable medium, etc), Trinh teaches apparatus for processing image data (par [0009]) comprising processing means (Abstract, lines 1-3; fig. 1, label 103; par [0027], lines 1-5), input means (fig. 1, labels 105, 106: par [0027], lines 9-15) and display means (fig. 1, label 104; par [0027], line 11), wherein said image data is defined by a plurality of data processing nodes arranged in a hierarchical structure and said processing means is configured to perform the steps of (figure 7): generating a first image frame of a clip of image frames (fig. 5, label 503; par [0037]) wherein a plurality of image components makes up the first image frame (fig. 7, label 700; par [0045-46]) by means of processing said plurality of data processing nodes (fig. 8, labels 805-808, 810; par [0049]-[0050]; outputting said first image frame to said display means (fig. 1, label 104; par [0027], line 11; fig. 8, label 827; par [0050], lines 21-22); receiving, via said input means (fig. 1, labels 105, 106: par [0027], lines 9-15; figure 7,labels 701-702, 714), first user input data indicating one of said plurality of image components (fig. 7, label 714); in response to said receiving, automatically selecting a first data processing node considered to be appropriate to said indicated component (par [0047-49,52 and 56] fig. 7, label 711; par [0046]) displaying editing tools relevant to said first data processing node (par [0056], lines 6-8; figure 7; par.46); and outputting said second image frame to said display means (fig. 1, label 104; par [0027], line 11; fig. 8, label 827; par [0050], lines 21-22).

Trinh teaches computer-readable medium comprising a computer program storage device (fig. 2, label 212) storing instructions that when read and executed by a

computer, results in the computer performing a method for processing image data (par [0031]).

As to dependent claims 2 and 15, Trinh further teaches the first data processing node is in a sub-structure of said hierarchical structure that defines said component (par [0040], the process node in figure 6, label 608 is a sub-structure).

As to dependent claims 3 and 16, Trinh further teaches the sub-structure is a layer (fig. 6, label 613), wherein a layer is defined as a connected collection of nodes having at the top a node that has the same parent node as at least one other node (fig. 6, label 613; par [0041], that label 613 is a parent node).

As to dependent claims 4, 17 and 28, Trinh further teaches processing means selects said first data processing node by performing the following steps (fig. 9, step 903; par [0053]): identifying one of the plurality of data processing nodes that defines said (image) component (par [0046]); defining a plurality of layers within said hierarchical structure by identifying nodes with a plurality of (subordinate)children nodes (fig. 6; par [0041], that label 613 is a parent node); identifying the layer that includes said identified data processing node (fig. 6, label 613; par [0041], that label 613 is a parent node); and selecting the top node of said identified layer (par [0050]).

As to dependent claims 5, 18 and 32, Trinh further teaches the processing means

selects said first data processing node by performing the following steps (fig. 9, step 903; par [0053]): identifying one of the plurality of data processing nodes that defines said component (par [0046]); defining a plurality of layers within said hierarchical structure by identifying nodes with a plurality of children nodes (fig. 6; par [0041], that label 613 is a parent node); identifying the layer that includes said identified data processing node (fig. 6, label 613; par [0041], that label 613 is a parent node); .and selecting a bottom node of said identified layer (fig.7, label 711; par [0046], lines 1-3, the user can select frames; par [0049]; fig. 8, label 806).

As to dependent claims 6 and 19, Trinh further teaches the processing means selects said first data processing node by performing the following steps (fig. 9, step 903; par I [0053]): identifying one of the plurality of data processing nodes that defines said component (par [0046]); selecting the closest node above said identified node that has the same parent node as at least one other node (fig. 7, label 715; par [0046], lines 15-17).

As to dependent claims 7 and 20, Trinh further teaches in response to first further user input data said processing means performs the following steps (fig.7, label 711; par [0046], lines 1-3, the user can select frames which represent nodes): selecting a portion of said hierarchical structure that is considered appropriate to said selected component and contains said first data processing node (fig.7, label 711; par [0046], lines 1-3, the user can select frames which represent nodes; par [0056]); generating third image data

comprising a depiction of said portion (fig. 5, label 508); and outputting said third image data to said display means (fig. 7, label 707; par [0045], lines 10-12).

As to dependent claims 8 and 21, Trinh further teaches the third image data (fig. 5, label 508) further includes a display of parameters relating to said first data processing node (fig. 8, labels 803, 807. 810; par [0049]; par [0032], lines 15-19).

As to dependent claims 9 and 22, Trinh further teaches the said portion of said hierarchical structure is a layer (fig. 6, label 613), wherein a layer is defined as a connected collection of nodes having at the top a node that has the same parent node as at least one other node (fig. 6, label 613; par [0041], that label 613 is a parent node).

As to dependent claims 10, 23 and 29, Trinh further teaches in response to second further user input data indicating navigation through said hierarchical structure said processing means performs the following steps (fig.7, label 711; par [0046], lines 1-3, the user can select frames which represent nodes): selecting a second data processing node (fig.7, label 711; par [0046], lines 1-3, the user can select frames; par [0049]; fig. 8, label 806); generating a fourth image frame (fig. 5, label 514, finished clip) comprising said plurality of components and tools relevant to said second data processing node (fig. 8, label 806; par [0037]); and outputting said fourth image frame to said display means (fig. 5, label 514; par [0037]; fig. 7, label 707; par [0045], lines 10-12).

As to dependent claims 11 and 24, Trinh further teaches the second data processing node (fig. 8, label 808) is connected in said hierarchical structure to said first data processing node (fig. 8, label 812) if said further user input data indicates vertical navigation (fig.7, label 711; par [0046], lines 1-3, the user can select frames; par [0049]).

As to dependent claims 12 and 25, Trinh further teaches the second data processing node (fig. 8, label 806) has the same parent node (fig. 8, label 809) as said first data processing node (fig 8, label 805) if said further user input data indicates horizontal navigation (fig.7, label 711; par [0046], lines 1-3, the user can select frames; par [0049]).

As to dependent claims 13 and 26, Trinh further teaches the second data processing node (fig. 8, label 806) is of a comparable data type to said first data processing node. (fig 8, label 805) but defines a different one of said plurality of components from said indicated component if said further user input data indicates horizontal navigation (fig.7, label 711; par [0046], the user can select frames and has multiple components; par [0049]).

As to independent claim 30, The rejection is as the same as the rejection of independent claims 11, 12 and 13 above.

(Note:) **It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).**

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056 and fax is 571-270-2056. The examiner can normally be reached on Monday - Friday: 9:30am- 5:00pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas Augustine/
Examiner
Art Unit 2179
July 20, 2009

/Weilun Lo/
Supervisory Patent Examiner, Art Unit 2179